IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (STAMP) NO.3765 OF 2007

IN

APPEAL FROM ORDER NO.558 OF 2002

Bapu Vithu Patil, since deceased
through his legal representatives:
1) Shivaji Bapu Patil & Ors. ...Petitioners

Versus

Doulu Krishna Bhosale,
(Since deceased) through Heirs
& Legal Representatives.
1) Smt.Parubai Doulu Bhosale
& Ors. ...Respondents

.....

Mr.Rajesh S.Datar for Petitioners.

Mr.Parag Shelke i/b Mr.A.A.Kumbhakoni for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

JULY 4, 2007.

P.C.

1. Heard both sides.

2. Delay, if any, in filing this Review

Petition deserves to be condoned in the interest of justice as the Petitioners have become aware about the order dated 3rd April 2006 only after receipt of notice from the District Court regarding further hearing of the proceedings.

3. Having perused the Review Petition and the fact that the predecessor of the Petitioners was not alive on the date when the Appeal from Order proceeded for hearing on 3rd April 2006 being indisputable, the Petitioners ought to succeed in terms of prayer clause (a)-as the order passed on 3rd April 2006 in Appeal from Order No.558 of 2002 cannot be allowed to continue in the light of said development.

4. Accordingly, Review Petition is allowed in terms of prayer clause (a).

5. Appeal from Order No.558 of 2002 is restored to the file to be decided on its own merits in accordance with law.

A.M.KHANWILKAR, J.